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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10540394	9/1/2005	SUNAHARA ET AL.	Q101062

EXAMINER

BRADLEY DUFFY

ART UNIT	PAPER
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1643

20100323

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

In this case, as evidenced by the attached alignment the amino acid sequence of SEQ ID NO:1 as originally and currently presented is different than the amino acid sequence presented in GenBank Accession No. XM 044533 gene (see also attachment of a copy of GenBank Accession No. XM 044533), but the specification teaches at pages 72 and 73 that "The amino acid sequence (SEQ ID NO: 1) encoded by the base sequence represented by SEQ ID NO: 2 completely coincided with SEMA4B protein encoded by SEMA4B gene (GenBank Accession No. XM 044533 gene)". Notably, as evidenced by the submission filed 1/31/2008, it was submitted by Applicant that the original sequence listing contained obvious typographical errors. Accordingly, based on the current record, it appears that SEQ ID NO:1 as currently and originally presented contains errors and discloses the amino acid sequence of a protein that does not exist and was not identified by Applicant in their sequencing of the SEMA4B gene. In this case, Applicant has provided no clarification or further explanation or declaration relating to the original and currently presented sequence listing which now again apparently contains errors and therefore the correct sequence of the SEMA4B protein encoded by the SEMA4B gene sequenced in the specification cannot be known as the specification still refers to two different sequences. If, as it appears based on the current record, the amino acid sequence of SEQ ID NO:1 contains errors as submitted by Applicant and SEQ ID NO:1 is the sequence of a protein not identified by Applicant, it is suggested that the errors be appropriately corrected in a continuing application for further consideration by the Office because, as previously set forth, altering the original amino acid sequence of SEQ ID NO:1 in this case would change the special technical feature of the claims to an invention that lacks unity with the invention originally claimed and searched because the claims would recite an antibody that specifically binds a different and distinct antigen than originally presented.

Accordingly, as the current sequence listing does not appear to properly identify the sequence disclosed in the specification and the specification continues to refer to two different sequences as sequences of the same SEMA4B protein without further clarification, it is submitted that this application clearly fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the

application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
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For questions regarding compliance with the sequence requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
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Any other inquiry concerning this communication should be directed to Brad Duffy at telephone number (571)272-9935. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571)272-0832.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Please see attached Exhibit A, Exhibit B and interview summary.

/Stephen L. Rawlings/
Primary Examiner, Art Unit 1643